



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

KENNETH GENE SCOTT,
Plaintiff,

vs.

RICHLAND COUNTY,
Defendant.

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Civil Action No.: 8:22-2031-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DEEMING AS MOOT PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT,
AND DENYING DEFENDANT'S MOTION TO DISMISS WITHOUT PREJUDICE AND
WITH LEAVE TO REFILE UPON PROPER SERVICE**

Plaintiff Kenneth Gene Scott (Scott) filed a complaint against Defendant Richland County alleging various causes of action arising out of his incarceration at the Alvin S. Glenn Detention Center, operated by Richland County.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court find as moot Scott's motion for default judgment and deny Richland County's motion to dismiss without prejudice and with leave to refile upon proper service. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on November 30, 2022. To date, both parties have failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Scott’s motion for default judgment is **DEEMED AS MOOT**, and Richland County’s motion to dismiss is **DENIED WITHOUT PREJUDICE** and with leave to refile upon proper service.

IT IS SO ORDERED.

Signed this 22nd day of December 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE